

Exhibit D

Contains Confidential Portions

Page 1

1 JESSE ANGELO
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 -----X
5 SANDRA GUZMAN,
6 Plaintiff,
7 -against- 09CIV9323 (BSJ) (RLE)
8 NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
9 THE NEW YORK POST, and COL ALLAN, in his
10 official and individual capacities,

11 Defendants.
12 -----X
13 AUSTIN FENNER and IKIMULISA LIVINGSTON,
14 Plaintiff,
15 -against- 09CIV9832 (BSJ) (RLE)
16 NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a
17 THE NEW YORK POST and DAN GREENFIELD and
18 MICHELLE GOTTHELF,
19 Defendants.

20 -----X
21
22 VIDEOTAPED DEPOSITION OF JESSE ANGELO
23 New York, New York
24 Wednesday, April 25, 2012
25
26 REPORTED BY: BARBARA R. ZELTMAN
27 (BOBBIE)
28 Professional Stenographic Reporter
29
30 Job Number: 48821

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 2</p> <p>1 JESSE ANGELO</p> <p>2</p> <p>3 April 25, 2012</p> <p>4 10:05 a.m.</p> <p>5 Videotaped deposition of JESSE ANGELO</p> <p>6 taken by Plaintiffs, pursuant to Notice, at the</p> <p>7 offices of THOMPSON WIGDOR, LLP, 85 Fifth Avenue,</p> <p>8 New York, New York, before BARBARA R. ZELTMAN, a</p> <p>9 Professional Stenographic Reporter and Notary Public</p> <p>10 within and for the State of New York.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 3</p> <p>1 JESSE ANGELO</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4 THOMPSON WIGDOR</p> <p>5 Attorneys for the Plaintiffs</p> <p>6 85 Fifth Avenue</p> <p>7 New York, New York 10003</p> <p>8 BY: PAUL CLARK, ESQ. and</p> <p>9 SHAFFIN A. DATOO, ESQ.</p> <p>10</p> <p>11 KASOWITZ BENSON TORRES & FRIEDMAN</p> <p>12 Attorneys for the Defendants</p> <p>13 1633 Broadway</p> <p>14 New York, New York 10019</p> <p>15 BY: MARK W. LERNER, ESQ., and</p> <p>16 BLYTHE E. LOVINGER, ESQ.</p> <p>17</p> <p>18 ALSO PRESENT: Jordan Lippner,</p> <p>19 News America Incorporated</p> <p>20 Dale Swindell, Videographer</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 4</p> <p>1 JESSE ANGELO</p> <p>2</p> <p>3 IT IS HEREBY STIPULATED AND AGREED</p> <p>4 by and between the attorneys for the respective</p> <p>5 parties herein that filing and sealing be and</p> <p>6 the same are hereby waived.</p> <p>7 IT IS FURTHER STIPULATED AND AGREED</p> <p>8 that all objections, except as to the form of</p> <p>9 the question, shall be reserved to the time</p> <p>10 of trial.</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that the within deposition may be signed and</p> <p>13 sworn to before any officer authorized to</p> <p>14 administer an oath with the same force and</p> <p>15 effect as if signed and sworn to before</p> <p>16 the Court.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: center;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 5</p> <p>1 JESSE ANGELO</p> <p>2 THE VIDEOGRAPHER: This is the</p> <p>3 start of media labeled Number 1 of</p> <p>4 the videotaped deposition of Jesse</p> <p>5 Angelo in the matter of Sandra Guzman</p> <p>6 versus NewsCorp.</p> <p>7 This deposition is being held at</p> <p>8 85 Fifth Avenue, New York, New York, on</p> <p>9 April 25, 2012 at approximately</p> <p>10 10:05 a.m.</p> <p>11 My name is Dale Swindell from TSG</p> <p>12 Reporting, Incorporated and I'm the</p> <p>13 certified legal video specialist. The</p> <p>14 court reporter is Bobbie Zeltman in</p> <p>15 association with TSG Reporting.</p> <p>16 Will counsel please introduce</p> <p>17 yourselves.</p> <p>18 MR. CLARK: Paul Clark and</p> <p>19 Shaffin Dattoo for the plaintiffs</p> <p>20 Sandra Guzman -- and this is also</p> <p>21 going to be taken for Austin Fenner</p> <p>22 and Ikimulisa Livingston -- from</p> <p>23 Thompson Wigdor.</p> <p>24 MR. LERNER: For the</p> <p>25 defendants, Mark Lerner, Blythe</p> <p style="text-align: center;">TSG Reporting - Worldwide 877-702-9580</p>

<p>Contains Confidential Portions</p> <p style="text-align: right;">Page 38</p> <p>1 JESSE ANGELO</p> <p>2 Q When was the last time you spoke</p> <p>3 with Rupert Murdoch in the newsroom?</p> <p>4 A The newsroom of The New York Post?</p> <p>5 Q The newsroom of The New York Post,</p> <p>6 yes.</p> <p>7 A I would say summer 2010.</p> <p>8 Q In the summer of 2010, what did you</p> <p>9 speak to Mr. Murdoch about?</p> <p>10 MR. LERNER: Objection.</p> <p>11 If the topic of the conversation</p> <p>12 had to do with the editorial process or</p> <p>13 editorial policy, then I'm going to</p> <p>14 instruct you not to answer. And if you</p> <p>15 need advice depending on what the</p> <p>16 specific answer is, we can talk offline.</p> <p>17 THE WITNESS: Okay.</p> <p>18 A I don't recall what I spoke to him</p> <p>19 about in the newsroom of The New York Post</p> <p>20 in summer 2010.</p> <p>21 Q Have you spoken to Rupert Murdoch</p> <p>22 in any other newsroom than The New York Post</p> <p>23 newsroom?</p> <p>24 A Yes.</p> <p>25 Q What other newsrooms have you</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p style="text-align: right;">Page 39</p> <p>1 JESSE ANGELO</p> <p>2 spoken to Rupert Murdoch in?</p> <p>3 A The Daily.</p> <p>4 Q What is The Daily?</p> <p>5 A The Daily is the first newspaper</p> <p>6 for the iPad.</p> <p>7 Q Who runs The Daily?</p> <p>8 MR. LERNER: Object to form.</p> <p>9 A I'm the Editor-in-Chief.</p> <p>10 Q Who do you report to?</p> <p>11 A Chase Carey.</p> <p>12 Q So The Daily and The New York Post</p> <p>13 have separate newsrooms?</p> <p>14 A Correct.</p> <p>15 Q When was the last time you spoke to</p> <p>16 Rupert Murdoch in the newsroom of The Daily?</p> <p>17 A A year ago.</p> <p>18 Q So 2011?</p> <p>19 A Yes.</p> <p>20 Q What did you speak to Rupert</p> <p>21 Murdoch about in 2011 in the newsroom of</p> <p>22 The Daily?</p> <p>23 MR. LERNER: Objection. Same</p> <p>24 instruction, Mr. Angelo.</p> <p>25 THE WITNESS: What's the</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p>Contains Confidential Portions</p> <p style="text-align: right;">Page 40</p> <p>1 JESSE ANGELO</p> <p>2 instruction?</p> <p>3 MR. LERNER: If the</p> <p>4 conversation had to do with editorial</p> <p>5 policy or editorial decision-making,</p> <p>6 I'm going to instruct you not to</p> <p>7 answer based on the editorial</p> <p>8 privilege. And if we need to discuss</p> <p>9 that so you can understand what the</p> <p>10 implications of your answer would be,</p> <p>11 we can do that.</p> <p>12 THE WITNESS: Okay.</p> <p>13 A I showed him the newsroom of</p> <p>14 The Daily. He had not seen it.</p> <p>15 Q So you didn't talk to him about</p> <p>16 anything, you just showed him the newsroom?</p> <p>17 A Yes. I walked him around and</p> <p>18 showed him the desks and the ...</p> <p>19 Q Have you ever discussed editorial</p> <p>20 content with Rupert Murdoch?</p> <p>21 MR. LERNER: Objection.</p> <p>22 A Have I ever discussed editorial</p> <p>23 content with Rupert Murdoch?</p> <p>24 Q Yes.</p> <p>25 A I've discussed the news with Rupert</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p>Contains Confidential Portions</p> <p style="text-align: right;">Page 41</p> <p>1 JESSE ANGELO</p> <p>2 Murdoch.</p> <p>3 Q Had you ever discussed the</p> <p>4 editorial content of the newspaper?</p> <p>5 MR. LERNER: Of what newspaper?</p> <p>6 Q Fair enough. Of The Daily. Have</p> <p>7 you ever discussed the editorial content of</p> <p>8 The Daily with Rupert Murdoch?</p> <p>9 A Yes.</p> <p>10 Q So Rupert Murdoch plays a role in</p> <p>11 formulating the policies -- of The Daily?</p> <p>12 MR. LERNER: Objection.</p> <p>13 A No.</p> <p>14 Q So why would you discuss editorial</p> <p>15 policy with Rupert Murdoch if he plays no</p> <p>16 role in formulating the editorial policies?</p> <p>17 MR. LERNER: Objection.</p> <p>18 A I did not say I discussed editorial</p> <p>19 policy with Rupert Murdoch. It's a</p> <p>20 mischaracterization of what I said.</p> <p>21 Q Okay.</p> <p>22 Have you ever discussed editorial</p> <p>23 policy of The Daily with Rupert Murdoch?</p> <p>24 MR. LERNER: Objection.</p> <p>25 A No.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 46</p> <p>1 JESSE ANGELO</p> <p>2 A Go ahead.</p> <p>3 MR. LERNER: Do you want to</p> <p>4 finish a couple questions?</p> <p>5 MR. CLARK: Yes.</p> <p>6 MR. LERNER: But we do want to</p> <p>7 take a break.</p> <p>8 Q Tell me what you mean when you say</p> <p>9 you chatted about the news. What does that</p> <p>10 mean?</p> <p>11 A As you and I might chat about the</p> <p>12 news, what happened, what's happening in the</p> <p>13 news on any given day.</p> <p>14 I mean, what the government's</p> <p>15 doing, what the mayor's doing, what's</p> <p>16 happening with a fire or police story. Just</p> <p>17 chats about the news just as you and I would</p> <p>18 chat about the news.</p> <p>19 Q But you don't work for me, do you?</p> <p>20 A No.</p> <p>21 THE WITNESS: Can I take a</p> <p>22 break now?</p> <p>23 MR. LERNER: He finished the</p> <p>24 question.</p> <p>25 THE WITNESS: I finished the</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 47</p> <p>1 JESSE ANGELO</p> <p>2 question.</p> <p>3 MR. CLARK: Let me ask one</p> <p>4 more. We've been here less than an</p> <p>5 hour.</p> <p>6 MR. LERNER: You actually</p> <p>7 instructed him --</p> <p>8 MR. CLARK: I'm right in the</p> <p>9 middle of line of questioning. Give</p> <p>10 me two minutes.</p> <p>11 MR. LERNER: I think the</p> <p>12 witness is requesting consultation</p> <p>13 with counsel about the question, or</p> <p>14 perhaps not.</p> <p>15 MR. CLARK: That was not clear</p> <p>16 to me.</p> <p>17 MR. LERNER: It doesn't matter.</p> <p>18 Your instruction was at the outset</p> <p>19 that he can take a break any time he</p> <p>20 wanted as long as he didn't take a</p> <p>21 break while there was a question</p> <p>22 pending.</p> <p>23 He's asked for a break.</p> <p>24 MR. CLARK: I'm right in the</p> <p>25 middle of the line of questioning. I</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 48</p> <p>1 JESSE ANGELO</p> <p>2 have one more question.</p> <p>3 BY MR. CLARK:</p> <p>4 Q So did any of these chats about the</p> <p>5 news with Rupert Murdoch involve him</p> <p>6 suggesting what stories you should cover?</p> <p>7 MR. LERNER: Objection. Hold</p> <p>8 on.</p> <p>9 I'm going to instruct the witness</p> <p>10 not to answer that on the basis of</p> <p>11 editorial privilege because I don't know</p> <p>12 what the answer's going to be.</p> <p>13 This would be a perfect time to</p> <p>14 take a break because I need to find out</p> <p>15 if an answer to that question would</p> <p>16 breach a privilege.</p> <p>17 MR. CLARK: I understand and I</p> <p>18 appreciate that. But this witness</p> <p>19 already testified that he's never had</p> <p>20 any conversations about editorial</p> <p>21 content with Mr. Murdoch, but that's</p> <p>22 fine.</p> <p>23 MR. LERNER: You are asking him</p> <p>24 about the same subject again that</p> <p>25 would potentially go into this area,</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 49</p> <p>1 JESSE ANGELO</p> <p>2 so I need to know what -- the answer</p> <p>3 to this particular question.</p> <p>4 MR. CLARK: Okay. We'll take</p> <p>5 five minutes.</p> <p>6 THE VIDEOGRAPHER: The time is</p> <p>7 10:47. We're going off the record.</p> <p>8 (A brief recess was</p> <p>9 taken.)</p> <p>10 THE VIDEOGRAPHER: The time is</p> <p>11 10:54. We're back on the record.</p> <p>12 MR. CLARK: Bobbie, could you</p> <p>13 read back the last question for me.</p> <p>14 (Requested portion of record read:</p> <p>15 "Q. So did any of these chats</p> <p>16 about the news with Rupert Murdoch</p> <p>17 involve him suggesting what stories you</p> <p>18 should cover?")</p> <p>19 (End of read-back.)</p> <p>20 MR. LERNER: You can answer.</p> <p>21 A No.</p> <p>22 Q Did any of these chats involving</p> <p>23 news with Rupert Murdoch involve him telling</p> <p>24 you which stories you should cover?</p> <p>25 A No.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 94</p> <p>1 JESSE ANGELO</p> <p>2 that Rupert Murdoch spoke with about the</p> <p>3 situation?</p> <p>4 A No.</p> <p>5 Q Do you know if he spoke to any</p> <p>6 other Post editors about the situation?</p> <p>7 A I don't know.</p> <p>8 Q Now, in this statement by</p> <p>9 Mr. Murdoch, he says he spoke with "Post</p> <p>10 editors," plural, correct?</p> <p>11 A Yes.</p> <p>12 Q Do you have any reason to think</p> <p>13 that that is incorrect?</p> <p>14 A I don't know.</p> <p>15 Q So you don't know whether he spoke</p> <p>16 to anyone other than Col Allan?</p> <p>17 A Correct.</p> <p>18 Q Other than Post editors, do you</p> <p>19 know if he, Mr. Murdoch, spoke to anyone</p> <p>20 else who is an employee of The New York Post</p> <p>21 or any NewsCorp subsidiary about the</p> <p>22 situation with the cartoon?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A I don't know.</p> <p>25 Q Did you ever speak to Col Allan</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 95</p> <p>1 JESSE ANGELO</p> <p>2 about -- let me narrow it down.</p> <p>3 In February of 2009, did you ever</p> <p>4 speak to Rupert Murdoch about the situation</p> <p>5 involving the cartoon?</p> <p>6 A Not that I recall.</p> <p>7 Q So you might have spoken to Rupert</p> <p>8 Murdoch about the cartoon in February 2009</p> <p>9 but you don't recall?</p> <p>10 A That's you phrasing it. It is</p> <p>11 possible I spoke to him. I don't recall</p> <p>12 speaking to him.</p> <p>13 Q Do you recall ever speaking to</p> <p>14 Rupert Murdoch about the cartoon described</p> <p>15 in this e-mail in February -- of</p> <p>16 February 2009? At any point in time, did</p> <p>17 you speak to Rupert Murdoch about the</p> <p>18 cartoon?</p> <p>19 A I don't recall ever speaking to him</p> <p>20 about it.</p> <p>21 Q But you can't say that you have not</p> <p>22 spoken to him about the cartoon?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A That is correct.</p> <p>25 Q That same paragraph goes on to say</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 96</p> <p>1 JESSE ANGELO</p> <p>2 "It was not meant to be racist, but</p> <p>3 unfortunately it was interpreted by many as</p> <p>4 such."</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q Do you agree with me that "it"</p> <p>8 refers to the cartoon, so he's saying that</p> <p>9 the cartoon was not meant to be racist?</p> <p>10 A Yes.</p> <p>11 Q Do you agree that the cartoon was</p> <p>12 not meant to be racist?</p> <p>13 MR. LERNER: Objection.</p> <p>14 Mr. Angelo, I'm going to direct you</p> <p>15 on the basis of editorial privilege not</p> <p>16 to testify to what was meant by the</p> <p>17 editors of the paper or anybody else that</p> <p>18 was involved in the publication of the</p> <p>19 cartoon in connection with this</p> <p>20 publication.</p> <p>21 MR. CLARK: Well, two things I</p> <p>22 want to make clear.</p> <p>23 Are you invoking an editorial</p> <p>24 privilege or a journalistic privilege?</p> <p>25 MR. LERNER: Editorial.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 97</p> <p>1 JESSE ANGELO</p> <p>2 MR. CLARK: Okay.</p> <p>3 So could you read the question</p> <p>4 back.</p> <p>5 (Requested portion of record read:</p> <p>6 "Q. Do you agree that the cartoon</p> <p>7 was not meant to be racist?")</p> <p>8 (End of read-back.)</p> <p>9 MR. CLARK: Are you directing</p> <p>10 him not to answer? We have a</p> <p>11 question pending.</p> <p>12 MR. LERNER: Oh, we haven't</p> <p>13 changed our position, if that's what</p> <p>14 you are asking me based on the</p> <p>15 rereading of the question.</p> <p>16 MR. CLARK: Well, I have not</p> <p>17 heard a direction to the witness not</p> <p>18 to answer, so I assume the witness</p> <p>19 should be answering the question.</p> <p>20 MR. LERNER: I thought I did so</p> <p>21 direct him.</p> <p>22 The witness should not answer the</p> <p>23 question. The witness can testify about</p> <p>24 his interpretation of the cartoon in the</p> <p>25 wake of its publication.</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 98</p> <p>1 JESSE ANGELO</p> <p>2 You are free to ask him those</p> <p>3 questions, but I'm going to instruct him</p> <p>4 that he should invoke a privilege with</p> <p>5 respect to the decision to publish the</p> <p>6 cartoon, such if even he has any</p> <p>7 knowledge about it.</p> <p>8 (Directive to witness.)</p> <p>9 BY MR. CLARK:</p> <p>10 Q Mr. Angelo, are you refusing to</p> <p>11 answer the question whether you agree with</p> <p>12 the statement that the cartoon was not meant</p> <p>13 to be racist?</p> <p>14 MR. LERNER: He's not going to</p> <p>15 answer that question.</p> <p>16 (Directive to witness.)</p> <p>17 MR. LERNER: The answer to that</p> <p>18 question is yes.</p> <p>19 MR. CLARK: Yes, he's not going</p> <p>20 to answer it?</p> <p>21 MR. LERNER: Yes.</p> <p>22 Q Do you agree with the statement by</p> <p>23 Rupert Murdoch that it was intended by many</p> <p>24 as such, meaning to be racist?</p> <p>25 MR. LERNER: Mr. Angelo is not</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 99</p> <p>1 JESSE ANGELO</p> <p>2 going to answer that question.</p> <p>3 (Directive to witness.)</p> <p>4 MR. CLARK: How can you invoke</p> <p>5 a privilege when you've taken a</p> <p>6 public position and you won't even</p> <p>7 let him say whether he agrees or</p> <p>8 disagrees with the public position</p> <p>9 taken by an employee?</p> <p>10 MR. LERNER: Privilege is</p> <p>11 personal to Mr. Angelo.</p> <p>12 MR. CLARK: It's personal to</p> <p>13 Mr. Angelo?</p> <p>14 MR. LERNER: Yes.</p> <p>15 MR. CLARK: Is it also held by</p> <p>16 the company or just by Mr. Angelo.</p> <p>17 MR. LERNER: We've asserted the</p> <p>18 privilege.</p> <p>19 If you want to move to compel</p> <p>20 answers to those questions, you are free</p> <p>21 to do that.</p> <p>22 MR. CLARK: I'm trying to</p> <p>23 understand the scope of this</p> <p>24 privilege so I can tailor my</p> <p>25 questions. I mean, obviously I</p> <p>TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 100</p> <p>1 JESSE ANGELO</p> <p>2 disagree. I don't think there is a</p> <p>3 editorial privilege and I don't see</p> <p>4 how you can invoke it when you've had</p> <p>5 a public statement on the matter.</p> <p>6 But I just want to understand your</p> <p>7 position is so I can question in</p> <p>8 corresponding to that.</p> <p>9 MR. LERNER: No editor of this</p> <p>10 paper has made a public statement</p> <p>11 about the cartoon.</p> <p>12 And Mr. Angelo hasn't made a public</p> <p>13 statement about the cartoon. I should</p> <p>14 say that the statement that you are</p> <p>15 asking questions about is not a statement</p> <p>16 of Mr. Angelo or an editor of The New</p> <p>17 York Post.</p> <p>18 BY MR. CLARK:</p> <p>19 Q Mr. Angelo, did you ever discuss</p> <p>20 Mr. Murdoch's apology contained here with</p> <p>21 any other employees of The New York Post?</p> <p>22 MR. LERNER: You can answer</p> <p>23 that.</p> <p>24 A Yes.</p> <p>25 Q Who did you discuss the employee --</p> <p>TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 101</p> <p>1 JESSE ANGELO</p> <p>2 who did you discuss the apology with who</p> <p>3 were employees of The New York Post?</p> <p>4 A I recalled --</p> <p>5 MR. LERNER: Are these</p> <p>6 discussions before the apology was</p> <p>7 printed or after the apology was</p> <p>8 printed?</p> <p>9 MR. CLARK: The question</p> <p>10 encompasses both.</p> <p>11 MR. LERNER: I want to know</p> <p>12 what the witness' answer is going to</p> <p>13 be, so I can instruct him</p> <p>14 accordingly.</p> <p>15 MR. CLARK: Well, that can't</p> <p>16 possibly be privileged who he spoke</p> <p>17 to. I'm not asking him about</p> <p>18 content.</p> <p>19 BY MR. CLARK:</p> <p>20 Q I merely want the names of who you</p> <p>21 spoke with, Mr. Angelo, about Mr. Murdoch's</p> <p>22 apology.</p> <p>23 A Before or after publication.</p> <p>24 Q Either one, at any time.</p> <p>25 MR. LERNER: You can answer</p> <p>TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 138</p> <p>1 JESSE ANGELO</p> <p>2 else who complained about the cartoon.</p> <p>3 Q So you are saying that -- do you</p> <p>4 recall that other employees complained about</p> <p>5 the cartoon?</p> <p>6 MR. LERNER: Objection.</p> <p>7 You can answer.</p> <p>8 A I remember speaking with other</p> <p>9 reporters about the -- other people at</p> <p>10 The Post about the cartoon.</p> <p>11 It was a characterization of</p> <p>12 "complaints."</p> <p>13 Q When you were speaking to these</p> <p>14 other employees about the cartoon, were any</p> <p>15 of these other employees offended by the</p> <p>16 cartoon?</p> <p>17 A I can't speak to their exact state</p> <p>18 of mind, but I spoke to a number of</p> <p>19 employees about the cartoon that day.</p> <p>20 Q Did any of these employees you</p> <p>21 spoke to about the cartoon that day express</p> <p>22 that they were offended by the cartoon?</p> <p>23 A Not that I specifically recall.</p> <p>24 Q Do you believe the cartoon is</p> <p>25 offensive?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 139</p> <p>1 JESSE ANGELO</p> <p>2 A No.</p> <p>3 Q Mr. Greene says "Angelo admitted</p> <p>4 that the cartoon could be seen as racist."</p> <p>5 Did you tell Mr. Greene that?</p> <p>6 A I think that's a</p> <p>7 mischaracterization of my words.</p> <p>8 And if I may clear up something I</p> <p>9 said earlier.</p> <p>10 You asked me if I had any reason to</p> <p>11 doubt Mr. Greene's honesty, and I'd like to</p> <p>12 recharacterize my answer which was I hadn't</p> <p>13 in the past until I read this affidavit.</p> <p>14 Q So tell me why this is a</p> <p>15 mischaracterization when Mr. Greene says</p> <p>16 "Angelo admitted that the cartoon could be</p> <p>17 seen as racist"?</p> <p>18 A Again, I don't recall what my exact</p> <p>19 words were.</p> <p>20 As I said, what I would have said</p> <p>21 to Leonard that day, as I said to any member</p> <p>22 of staff: I can understand how people might</p> <p>23 have misconstrued the cartoon and therefore</p> <p>24 been offended by it but I don't see it as</p> <p>25 racist.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 140</p> <p>1 JESSE ANGELO</p> <p>2 Q How is it that people can</p> <p>3 misconstrue the cartoon and be offended by</p> <p>4 it, in your understanding?</p> <p>5 A I'm not going put myself in anyone</p> <p>6 else's mind and say how they may or may not</p> <p>7 construe.</p> <p>8 Q You testified earlier that you were</p> <p>9 familiar with blacks being portrayed as</p> <p>10 subhuman, as animals, chimpanzees, apes,</p> <p>11 things like that, correct?</p> <p>12 A You just listed a number of</p> <p>13 categories of what you are defining as</p> <p>14 subhuman, and I don't think I agreed to my</p> <p>15 previous answer.</p> <p>16 Q Did you say that you were aware</p> <p>17 that blacks had been portrayed as apes?</p> <p>18 A Yes.</p> <p>19 Q Would you -- have blacks in the</p> <p>20 past been portrayed as chimpanzees?</p> <p>21 A Yes.</p> <p>22 Q You were aware of this at the time</p> <p>23 you approved the cartoon, correct?</p> <p>24 A I didn't say that.</p> <p>25 Q Didn't you testify earlier that at</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 141</p> <p>1 JESSE ANGELO</p> <p>2 the time the cartoon was published, you were</p> <p>3 aware of these historical predictions?</p> <p>4 A I'm aware of that historical fact</p> <p>5 over a long period of time.</p> <p>6 The way you phrase it, it says I</p> <p>7 have an awareness of the fact as I approved</p> <p>8 the publication of the cartoon, and I can't</p> <p>9 say that I did. It was not in my mind as I</p> <p>10 approved the cartoon for publication.</p> <p>11 Q So you are telling me when you</p> <p>12 approved the cartoon for publication, you</p> <p>13 were generally aware that blacks had been</p> <p>14 portrayed as chimpanzees but you did not</p> <p>15 connect that knowledge with this particular</p> <p>16 cartoon?</p> <p>17 A I was aware of the historical fact</p> <p>18 that blacks had been portrayed as</p> <p>19 chimpanzees in the past in American history.</p> <p>20 I never brought that knowledge to</p> <p>21 bear in any way, shape or form on the</p> <p>22 publication of this cartoon.</p> <p>23 Q Are you saying then it never</p> <p>24 occurred to you that people could connect</p> <p>25 this particular chimpanzee cartoon with a</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 338</p> <p>1 JESSE ANGELO</p> <p>2 A Is there a time frame?</p> <p>3 Q Well, was there any time you</p> <p>4 thought it was not a well done section?</p> <p>5 MR. LERNER: Objection.</p> <p>6 A My recollection is it started out</p> <p>7 pretty strong. You know, there was some</p> <p>8 good stuff in there.</p> <p>9 Over time, my recollection is it</p> <p>10 got smaller and not as good in quality, was</p> <p>11 my general recollection.</p> <p>12 Q Are you aware of any budget cuts</p> <p>13 that were made to the Tempo section while</p> <p>14 you were City editor?</p> <p>15 MR. LERNER: Objection.</p> <p>16 A No.</p> <p>17 Q Were you privy to that kind of</p> <p>18 discussion?</p> <p>19 MR. LERNER: Objection.</p> <p>20 A No.</p> <p>21 Q Did you ever attend meetings with</p> <p>22 Sandra Guzman and other people?</p> <p>23 A Yes.</p> <p>24 Q What types of meetings would you</p> <p>25 attend?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 339</p> <p>1 JESSE ANGELO</p> <p>2 MR. LERNER: With Sandra Guzman</p> <p>3 and other people?</p> <p>4 MR. CLARK: Uh-huh.</p> <p>5 A I remember -- I recall being in</p> <p>6 editorial meetings with Sandra Guzman and</p> <p>7 other people.</p> <p>8 MR. CLARK: Can you mark this</p> <p>9 as 29.</p> <p>10 (Angelo Exhibit 29,</p> <p>11 Handwritten note, Bates Number</p> <p>12 SG-2343, was marked for</p> <p>13 Identification.)</p> <p>14 BY MR. CLARK:</p> <p>15 Q Take a look at that for a moment,</p> <p>16 if you would, Mr. Angelo.</p> <p>17 A Okay.</p> <p>18 Q This is labeled SG-2343.</p> <p>19 And I can represent to you,</p> <p>20 Mr. Angelo, this was a sketch that was</p> <p>21 produced in this case by Ms. Guzman.</p> <p>22 I call your attention. You see</p> <p>23 there's a "Jesse" on --</p> <p>24 (Pause.)</p> <p>25 BY MR. CLARK:</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 340</p> <p>1 JESSE ANGELO</p> <p>2 Q Mr. Angelo, there is a "Jesse"</p> <p>3 labeled in this sketch. If you see on the</p> <p>4 right, second from the top, it says Jesse.</p> <p>5 And then above that it says CM and</p> <p>6 then at the top CA.</p> <p>7 In the meetings you had involving</p> <p>8 Sandra Guzman, would these meetings involve</p> <p>9 Col Allan?</p> <p>10 A I'm sorry. I have no idea what</p> <p>11 this is. So ...</p> <p>12 Q I understand that.</p> <p>13 A So you referenced some words that</p> <p>14 are on this picture that you just gave me,</p> <p>15 and then you asked me a question about</p> <p>16 meetings with Sandra Guzman and Col Allan.</p> <p>17 Q Fair enough.</p> <p>18 Have you been in editorial meetings</p> <p>19 with Sandra Guzman and Col Allan?</p> <p>20 A Yes.</p> <p>21 Q And other people?</p> <p>22 A I'm sorry. You talked over what I</p> <p>23 said.</p> <p>24 Q That's fine.</p> <p>25 A So what's the question?</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 341</p> <p>1 JESSE ANGELO</p> <p>2 Q No. You answered it. That's fine.</p> <p>3 A Whoa. What did I answer? I'm</p> <p>4 sorry. I just want to know.</p> <p>5 Q You've been in meetings with Col</p> <p>6 Allan and Sandra Guzman, right? Editorial</p> <p>7 meetings?</p> <p>8 A Yes.</p> <p>9 Q In these editorial meetings, would</p> <p>10 other people usually be present besides the</p> <p>11 three of you?</p> <p>12 A Yes.</p> <p>13 Q Would Col Allan normally sit at the</p> <p>14 head of the table?</p> <p>15 A Yes.</p> <p>16 Q So if this were a sketch and "CA"</p> <p>17 stands for Col Allan.</p> <p>18 And you can see at the left, it</p> <p>19 says Robo.</p> <p>20 Would that be Robinowitz?</p> <p>21 MR. LERNER: Objection.</p> <p>22 Q Would it make sense that that means</p> <p>23 Robinowitz?</p> <p>24 A I have no idea who made this sketch</p> <p>25 and what they intended this to be.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>

<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 358</p> <p>1 JESSE ANGELO</p> <p>2 testimony is you are certain you have never</p> <p>3 seen this photograph that I provided you on</p> <p>4 Col Allan's Blackberry or iPhone or some</p> <p>5 kind of device like that, correct?</p> <p>6 A Yes.</p> <p>7 Q And Col Allan -- I think you</p> <p>8 already said this but just to be clear. Col</p> <p>9 Allan has never shown you this photograph at</p> <p>10 any time?</p> <p>11 A No, he's never shown me this</p> <p>12 photograph.</p> <p>13 Q Have you ever seen Col Allan show a</p> <p>14 photograph of a naked man to anyone?</p> <p>15 A The only time that I ever saw</p> <p>16 anything like that, I remember seeing a</p> <p>17 front page on his Blackberry that had a news</p> <p>18 photograph in it, with a naked man in it.</p> <p>19 Q When was that?</p> <p>20 A I don't recall the exact date.</p> <p>21 Q Do you recall what naked man was</p> <p>22 depicted on this front-page story on the</p> <p>23 Blackberry?</p> <p>24 A It was a crazy guy who ran naked</p> <p>25 through Times Square.</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 359</p> <p>1 JESSE ANGELO</p> <p>2 Q And was anyone else present when he</p> <p>3 showed you this photograph?</p> <p>4 A Not that I recall.</p> <p>5 And again just to be clear, he</p> <p>6 didn't show me the photograph. He showed me</p> <p>7 a pdf of the front page of The New York Post</p> <p>8 that had that photograph.</p> <p>9 Q Where did this take place?</p> <p>10 A At Langan's.</p> <p>11 Q And you don't know if anyone else</p> <p>12 saw this photograph?</p> <p>13 A No.</p> <p>14 MR. CLARK: We have to change</p> <p>15 the tape. Why don't we take a break</p> <p>16 and we'll wrap up.</p> <p>17 THE VIDEOGRAPHER: The time is</p> <p>18 6:55. We're going off the record.</p> <p>19 (A brief recess was</p> <p>20 taken.)</p> <p>21 THE VIDEOGRAPHER: The time is</p> <p>22 7:00. We're back on the record.</p> <p>23 BY MR. CLARK:</p> <p>24 Q Mr. Angelo, who is Steve Dunlevy?</p> <p>25 A Steve Dunlevy used to be a</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>
<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 360</p> <p>1 JESSE ANGELO</p> <p>2 columnist at The New York Post.</p> <p>3 Q Did Steve Dunlevy ever use a racial</p> <p>4 epithet in your presence?</p> <p>5 A Yes.</p> <p>6 Q Where did this happen?</p> <p>7 A At Langan's.</p> <p>8 Q What did he say?</p> <p>9 A He used a racial epithet in</p> <p>10 conjunction with another member of staff,</p> <p>11 and I reprimanded him for it.</p> <p>12 Q Can you be more specific?</p> <p>13 What did he say exactly?</p> <p>14 A He was referring to a member of</p> <p>15 staff named Robert George and he referred to</p> <p>16 him as the token N-word. And I heard him</p> <p>17 say it and I immediately reprimanded him for</p> <p>18 it.</p> <p>19 Q When did in occur?</p> <p>20 A I don't recall the exact date.</p> <p>21 Q Was anyone else present?</p> <p>22 A Yes.</p> <p>23 Q Who else was present?</p> <p>24 A Robert George was present.</p> <p>25 Q He says this in Robert George's</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>	<p style="text-align: center;">Contains Confidential Portions</p> <p style="text-align: right;">Page 361</p> <p>1 JESSE ANGELO</p> <p>2 presence?</p> <p>3 A Yes.</p> <p>4 Q Was anyone else present?</p> <p>5 A Col Allan was present.</p> <p>6 Q Anyone else?</p> <p>7 A I believe there were other people</p> <p>8 around. I don't recall who they were or in</p> <p>9 what proximity.</p> <p>10 Q What was Col Allan's reaction?</p> <p>11 A You know, I don't recall Col's</p> <p>12 reaction.</p> <p>13 Q You said you reprimanded</p> <p>14 Mr. Dunlevy?</p> <p>15 A That is correct.</p> <p>16 Q How did you reprimand him?</p> <p>17 A I told him it was unacceptable,</p> <p>18 inappropriate and he couldn't speak that</p> <p>19 way.</p> <p>20 Q Was any other action ever taken</p> <p>21 against Mr. Dunlevy?</p> <p>22 A For what?</p> <p>23 Q For this incident.</p> <p>24 A Not that I am aware of.</p> <p>25 Q So you thought that a verbal</p> <p style="text-align: right;">TSG Reporting - Worldwide 877-702-9580</p>